

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 15, 2009

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey, Public Information Officer Jenny Fults and Executive Secretary Dunsmore were also in attendance.

Marc Carmichael, Jim LaCrosse, Steve Badger, Lewis Coulter, Paul Mannweiler, Rebecca Howard, Byron Leet, Rick Northern, Gary Miller, Jim Purucker, Nicole Upano, Trevor Vance and John Barnett were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the September 1, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the September 15, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as

appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Five hundred ten (510) renewals approved, fifty-three (53) new and/or transfer permits approved, eight (8) permits approved for catering, one (1) permit approved for second year escrow, three (3) permits approved for third year escrow, two (2) permits approved for fourth year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Guthrie moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RC71-13592 AMERICAN LEGION POST 50 – Commissioner Guthrie moved to table this matter until the next meeting to allow time to talk to the local board. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL45-01275 ECONOMY PACKAGE LIQUORS, INC. – Commissioner Guthrie noted this is a type 217 transfer of location with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board found there was a lack of need and desire for a permit at this location.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the transfer. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR82-96201 WEST HAVEN CHALET, INC. – Commissioner Guthrie noted this is a type 209 renewal application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the local board's recommendation was based on the fact that the permittee did not meet the required food figures for this type of permit.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR32-18519 AVON WINGS, LLC, D/B/A BUFFALO WILD WINGS – Commissioner Guthrie noted this is a type 210 transfer of ownership and location with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL45-03768 AMRIK GURNA SINGH – Commissioner Guthrie noted this is a type 217 transfer of ownership and location with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board found there was a lack of need and desire for a permit at this location.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the transfers. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL45-11752 TOWN & COUNTRY LIQUORS, INC. – Commissioner Guthrie noted this is a type 217 transfer of location with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board found there was a lack of need and desire for a permit at this location.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the transfer. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR49-25957 HAVANA CAFÉ CUBAN CUISINE & SPIRITS, INC. – Commissioner Guthrie moved to table this matter until the next meeting to allow time to talk to the local board. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-26169 KRIGER LIMITED PARTNERSHIP I – Commissioner Guthrie noted this is a new type 208-3 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

INACTIVE FILES – Vice Chairman Johnson moved to make two (2) permits inactive. Both permits are not subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

OLD BUSINESS

W 22-25148 AND W 22-25149 SOUTHERN WINE & SPIRITS OF INDIANA – See attached transcript.

NEW BUSINESS

EXECUTIVE SESSION MINUTES – Commissioner Guthrie moved to approve the minutes that were submitted for the September 14, 2009 Executive Session. Motion seconded by Commissioner Sturtz and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements.

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Approved this _____ day of _____, 2009.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER